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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Vrazel et al.

Serial No. **10/032,586**

Filed: **December 21, 2001**

For: **Increasing Data Throughput In
Optical Fiber Transmission
Systems**

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) Examiner: **Jean Bruner Jeanglaude**
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) Art Unit: **2819**
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) Confirmation No.: **9197**
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RESPONSE TO WRITTEN RESTRICTION REQUIREMENT

Mail Stop Amendments
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

October 11, 2005

Sir:

In response to the Restriction Requirement of September 9, 2005 please consider the following remarks and election.

ELECTION

The applicants hereby elect Group I for prosecution (i.e., Claims 1-36 and 48-61). This election is made with traverse.

REMARKS

In the Restriction Requirement mailed on September 9, 2005, the Examiner stated that the requirement was being imposed because the application contains claims that are related as apparatus and product made. The Examiner has restricted prosecution of this application to either claims drawn to "a method for increasing a channel data rate throughput in an optical fiber communication system which receives a digital input signal that is converted to an output

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on October 11, 2005.

A. Shane Nichols, Reg. No. 43,836

symbol" (Group I), or claims drawn to "rate error" (Group II). Applicants elect Group I with traverse. Applicants reserve the right to pursue the non-elected claims in a divisional application or in the present application, should the restriction requirement be retracted.

Applicants traverse the Restriction Requirement asserted by the Examiner in the present application. As set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden.

The Restriction Requirement is proper where two criteria are present:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

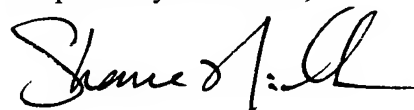
In the Restriction Requirement mailed on September 9, 2005, the Examiner has failed to demonstrate or even state that a serious burden will be placed on the Examiner if the restriction is not required. Accordingly, there is no established basis for the restriction requirement.

Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter set forth in the claims shows that they are substantially related. Therefore, the Applicants respectfully submit that restriction is improper and request that the Restriction Requirement be withdrawn.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (404) 572-3507 is respectfully requested.

No fees are believed to be due in connection with this response. However, should the Commissioner determine otherwise, he is authorized to charge such fees and credit any overpayment to Deposit Account No. 11-0980.

Respectfully submitted,



A. Shane Nichols
Reg. No. 43,836

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